

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRUCE LAMONT SMITH)	
)	
v.)	No. 3:07-0329
)	JUDGE CAMPBELL
)	
UNITED STATES OF AMERICA)	

ORDER

Pending before the Court is a Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, or Correct Sentence By A Person In Federal Custody (Docket Nos. 1, 2), filed by the Movant/Petitioner (hereinafter "Petitioner"), pro se. After the Petition was filed, the Court appointed counsel for the Petitioner (Docket No. 12). The Government has filed a response in opposition to the Motion (Docket No. 11), and counsel for the Petitioner has filed a supplemental brief in support of Petitioner's Motion (Docket No. 30).

The Court held an evidentiary hearing in this case on December 17, 2007. For the reasons stated in the accompanying Memorandum, Petitioner's Motion is DENIED, and this action is DISMISSED.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

Should the Petitioner give timely notice of an appeal from this Order and accompanying Memorandum, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. 2253(c), which will not issue because the Petitioner has failed to make a substantial showing of the denial of a constitutional right. Castro v. United States, 310 F.3d 900 (6th Cir. 2002).

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE